

FILED**United States District Court**

APR 11 2006

MIDDLE

DISTRICT OF

ALABAMA**UNITED STATES OF AMERICA**

v.

RICARDO GONZALEZ-OROZCOCLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.
CRIMINAL COMPLAINTCASE NUMBER: 2:06mj36-SRW

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 10, 2006 in Montgomery county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

illegally reentry the United States without permission, unlawfully possess an identification document, and falsely represent a social security number as his when it was not,

in violation of Titles 8, 18, 42 United States Code, Section(s) 1326(a), 1028(a)(6), 408(a)(7)(B).

I further state that I am a(n) ICE Officer and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Sworn to before me and subscribed in my presence,

April 10, 2006

Date

at Montgomery, Alabama

City and State

Susan Russ Walker, U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT

I, David E. Henderson, being duly first sworn, do hereby state and affirm that:

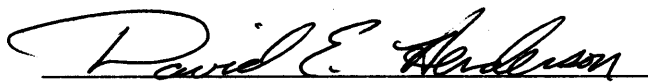
I am a duly sworn Special Agent of the U.S. Immigration and Customs Enforcement (ICE) assigned to the office of the Resident Agent in Charge, Mobile, Alabama. I have been employed as a federal agent for approximately five years. One of my principal assignments has been to conduct criminal investigations of persons involved in violation of the United States Code relating to Title 8 - Aliens and Nationality along with other violations of federal law.

On April 10, 2006, Alabama State Trooper B. Hamrick and Trooper K. Cole conducted a traffic stop on a 1999 Oldsmobile Intrigue bearing Georgia registration WD1J60 on Interstate I-65 northbound near the 162 mile marker for a traffic violation of following too close to another vehicle. Upon stopping the vehicle, Trooper Hamrick approached the vehicle and asked the driver for his license in the Spanish language. The driver, later identified as Ricardo GONZALEZ-Orozco, stated that he did not have one and produced a California identification card in the same name. The passenger, identified as Juan YANEZ-Vega, produced a Mexican identification card. Upon conducting computer checks through the Blue Lightning Operations Center (BLOC), Trooper Hamrick received information that GONZALEZ had an active warrant of deportation. Trooper Hamrick then contacted U.S. Immigration and Customs Enforcement (ICE) agents in Montgomery, Alabama and was advised to transport GONZALEZ and YANEZ to the Montgomery HIDTA office for further investigation.

Upon arriving at the Montgomery, Alabama HIDTA office, SS/A B. Diamond and I interviewed GONZALEZ concerning his immigration status. I advised GONZALEZ of his constitutional rights, as per Miranda in the Spanish language. GONZALEZ acknowledged that he understood his rights and proceeded to make a voluntary statement. Upon questioning, he freely admitted to being a native and citizen of Mexico, who last entered the United States illegally. Additional Immigration checks reveal that he was removed from the United States to Mexico on October 24, 2004 at Otay Mesa, California. A review of the official file indicates that GONZALEZ failed to obtain permission

from the Attorney General of the United States or the Secretary for the Department of Homeland Security to reenter the United States legally. Subsequent to arrest, a Social Security card bearing the name of Luis Barajas and Social Security number 566-29-2575 along with a pay receipt bearing the same name and Social Security number were found in GONZALEZ's wallet. GONZALEZ freely admitted that he used the name of Luis Barajas and the Social Security card for employment and tax purposes.

Ricardo GONZALEZ-Orozco is in violation of Title 8 U.S.C. 1326(a), reentry of deported alien without the consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisoned not more than 2 years, or both. Additionally, GONZALEZ is in violation of Title 18 U.S.C. 1028(a)(6), possession of a fraudulent Social Security card. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisoned not more than 1 year, or both. Lastly, GONZALEZ is in violation of Title 42 U.S.C. 408(a)(7)(b), False Representation of a Social Security number. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisoned not more than 5 years, or both.



David E. Henderson, Affiant
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 11th day of April, 2006.



United States Magistrate Judge